

Re: 05-231

To Whom It May Concern:

I am writing as a consumer who uses closed caption on TV ever since it came out in Summer 1980. Thus, it's critical that we, the deaf, hard of hearing, and others, get high quality closed captioning that is live and pre-recorded TV broadcasting.

Please allow me to outline my experiences with the quality of captioning:

1. On Sunday, October 30, 2005, I turned on my TV to watch ABC News. To my disappointment, the quality of captioning was horrible. It was entirely garbled and there was no way I could be able to watch it. At first, I thought maybe it was my cable provider was transmitting poor quality captioning. I checked other channels and found the captioning was good and there was no garbling. Later the evening, I was ready to watch ABC's West Wing – to my shock and surprise, the same problem was happening – garbled caption. I tried to watch the West Wing but wasn't able to follow anything at all and I was working my brain in overdrive to understand. It got to the point I that I was too frustrated and simply turned off the television. Next day, I found out from a friend in upstate New York was having the same problem. I thought it was unusual. Then the following day, I found out it was a nationwide problem – including Hawaii. Apparently ABC was not doing their job checking making sure the transmission of captioning was smooth. Now I have to wait till probably next year to watch the re-run to see what I missed.

2. For years, I have "resisted" subscribing to cable – because majority of the shows were not captioned (yes, the present shows on cable has improved, but still, in my unscientific observation, I think it's still 50% that has no captioning). The reason I have resisted is because why should I pay for shows cable when I don't get captioning? For a long time, I had antenna attached to my TV, and I was able to watch prime networks' shows along with PBS. I don't need to see other shows that are offered on cable. However,

in the late 1990s, I saw a slow increase of garbled captioning on many shows – I heard from some friends having the same problem. Then since 9/11, I noticed another increase in garbled caption on TV shows – I suspected that since I’m live in Washington, DC, where there’s so many of top secret and “not need to know” government, I think there has been interference with the airwaves, thus, I get garbled captioned. My suspicion is that the US Government is using a lot of airwaves for their own use. (Please do not think I’m like one of those people who think a UFO has visited the earth.) So, I finally gave in and subscribed so I can watch the shows with ease. Mind you, I have no problem with the US Government using more of our airwaves, but at my expenses?

3. Once in a while, I do watch Washington, DC Council hearings on my cable. I noticed, they almost never do live captioning at a live hearing. But the “live captioning” with errors appeared on the same hearing a week later (and I noticed this same hearing with the exact same “live captioning” with the same errors a few weeks later). Almost two years ago, the captioning disappeared and stopped. After getting the run around with the DC Council, I ended up calling the DC Office of Cable, Television and Telecommunication (OCTT). I left several messages asking them to call me. I keep trying and got a live person answering the phone and we discussed the disappearance of captioning of the DC Council hearing. She explained that the Office of Cable, Television, and Telecommunication just moved to a new building and they “forgot” to order encoder in order to transmit the captioning. If I recall correctly, she said it would take a month or so to get this equipment in and installed. I simply asked her that they stop broadcasting the DC Council Hearings and Mayor’s Weekly Press Conference until the equipment is installed and running. To her horror and surprise (yes, the relay operator told me how she reacted), she said it was “impossible” and “can’t do it” because the public would want to watch the DC Council hearings and the Mayor’s Press Conferences. I said what about me? She never answered it and told me she would try to “speed it up” to get it installed. Then I asked if she would send me a tape of the missing hearing I tried to watch and have it captioned so I can watch it. She said it was not possible because it would cost too much for

just doing for me. I have talked to her few times since then and she stopped returning my calls. I recalled in my conversation with her, she had no clue as to the importance of captioning to us and didn't get the message this is required under ADA to have all city events that are broadcast be captioned. She said she would talk to someone who's familiar with the law and she never followed up. My only regret is that I didn't follow up harder with her and/or OCTT because to this day, no captioning is being shown.

See footnote at end re: OCTT.

4. Last year, when the DC Council was having their own all day (and night) hearing on Washington National Stadium – I was “hoping” the hearing would be broadcast with captioning. No. It wasn't.

5. In fact, this same DC Council channel, once in a while, they do show other “public” hearings, forums, or conferences – they showed a re-run of a conference I attended – the DC Mayor's Emergency Preparedness for People with Disabilities. You can guess it – it wasn't captioned and I thought to myself, this is a conference related to people with disabilities living in DC and emergency preparedness is no funny business – these OCTT didn't have their common sense making sure this re-run was accessible to deaf/hard of hearing.

6. From time to time, I have noticed when the TV show is about to end, the station (or prime network) would minimize the screen and insert a smaller screen to run the credits. When this happened, the captioning disappeared (even the audio remained on). This was a big complaint in the early 1980s in Washington, DC news broadcasting and one of the stations developed what it's called “Tobi” system in honor of one of the deaf leaders in this field (Toby Silvers). What this Tobi does to allow the captioning to remain on the minimum screen while a smaller screen is showed. I still do see the Tobi system run rarely but not as often or all the time as it should have be.

Here is a perfect example that happened this week. Last Tuesday (November 8), I was watching NCIS on CBS. I believe twice, the

local station (WUSA), minimized the screen to about 90%, then used 10% to show the results of the Virginia elections. When this happened, the caption disappeared. Then I watched ABC's Commander in Chief, the local station (WJLA), did the same thing, minimized the show and the caption disappeared. When this happened during the both shows, there were some critical and interesting dialogues. Later in both shows, there were some dialogues that I was at loss to understand because this may have been part of what I lost during the caption disappearance earlier.

7. One of Washington, DC local news channels has a poor quality of live captioning.....many errors, dropped captioning, and/or just simply stopping until the next news segment starts. Earlier this year, it got so bad, I emailed to the captioning company and complained. The Vice President replied that she was unaware of this and would be checking into it. After several email correspondence, it seems to have never been resolved to my satisfaction. At one point, she said her copy of the news showed it were little errors and maybe there was a transmission problem. One time, she discussed about being involved with "what is the benchmark" on live captioning and was working with other captioning companies on this issue. I knew that this was useless because it's coming from one side of the group of caption companies rather than with deaf viewers. I have not watched the same local channel much since then and recently, I watched the same news and they're still having the same problem.

8. I just read a short news clipping this week that Disney, CBS and NBC will be providing shows on demand (without commercials) for 99 cents for each show. I certainly hope, when this services starts, captioning will be included.

9. When I called my cable company to subscribe basic cable service, I was quoted a price with this many channels. I explained to the agent that I wasn't really interested having all those channels, but just a few – after ten minutes of discussion, she finally admitted that there was a Basic Cable at half of the regular cable cost – she was thinking of this regular cable service as a basic service (I asked if there was such a "Basic basic Cable

Service). After getting the information, and thinking it over, I called back to sign up, and I had to go through all the same steps, 10 minutes asking for the “Basic basic cable service at half of the regular cable cost”. I feel the cable agent was trying to avoid people signing up the basic cable, and to get a regular cable service. This makes us press harder to get the basic cable. It happened to one of my friends who didn’t know and thought she signed up a basic cable (and ended up getting regular cable service). By the way, from my last call to my cable, they do not offer “Basic basic digital cable service”.

I recommend that FCC take the following actions:

1. Recommend that Cable companies (including DirectTV or any type of similar services), work with the local deaf community as well as do outreach. And have a direct contact person if there are any problems.
2. As for my comments above regarding subscribing cable (see # 9), while I know the FCC has no regulations over the cable services, I suggest that FCC put a notice of warning that the cable companies’ call center needs to be sensitive to the needs of deaf/hard of hearing customer when they ask about cable packages – even when we don’t need all those channels.
3. In my other comments regarding OCTT (see #3), the FCC needs to be clear that the local and/or state OCTT needs to be held responsible in making sure the city and state sponsored shows are captioned. And the Office should appoint a liaison to the deaf/hard of hearing community as well as outreach.
4. If deaf people received no or poor quality caption of a show, the deaf views, upon request, should get a copy of the show with captioning. This shall be send within 5 days of the request (by call or email – with confirmation).
5. In my comment #1 above, I should be able to call ABC (or national network) on a toll free numbers, using my TTY or Relay

Service (calling the voice number) and a live person should answer the incoming call. This should be available 24/7.

6. FCC shall setup monitoring to measure quality of caption. Perhaps outsource this monitoring to anyone who's actually familiar with the deaf/hard of hearing community.

7. I've been told time to time that there are many small caption companies are providing the closed caption business and some of the companies has no background or understanding about deaf/hard of hearing community and/or culture. Some of these the companies that doing a poor job with captioning (pre-captioned and live captioning). I have not yet confirmed if this is true.

8. At the end of news broadcasts, sometime the anchors do make a funny comments or two. Then they would close the news with "Thank you for watching and good night". Often time, the captioning skips humor part and captioned "Thank you for watching us and good night". This is unacceptable.

Often, I wondered if there is a standard by FCC (or another government agency) regarding broadcast quality on audio, why can't we have the same for captioning? It's time for us to have a standard.

Lastly, this subject may be out of FCC's jurisdiction, is there's a chance the FCC has any type of regulations or authorization to assure all movies that are sold via DVD are closed captioned (with same high quality we're asking for)?

Sincerely,

David J. Nelson
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Footnote: DC Office of Cable, Television and Telecommunication is a Washington, DC government agency overseeing the cable contracts among others. See <http://octt.dc.gov/main.shtm>. If you visit their

website, you'll notice they provide audio file of Mayor's Weekly Press Briefly for anyone who wants to download to their iPod. And they also offered translate some of its educational programming into Spanish language.